

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

21-CR-7

JOHN STUART,

Defendant.

**MOTION FOR AN EXTENSION OF TIME TO FILE RESPONSE
TO DEFENDANT'S OBJECTIONS TO REPORT AND RECOMMENDATION**

PLEASE TAKE NOTICE that upon the annexed Affidavit of David J. Rudroff, Assistant United States Attorney, the undersigned hereby moves this Court for an extension of time to file its response to the defendant's objections to the Report and Recommendation (Doc. 100).

DATED: Buffalo, New York, August 18, 2023.

TRINI E. ROSS
United States Attorney

BY: s/DAVID J. RUDROFF
Assistant United States Attorney
United States Attorney's Office
Western District of New York
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Buffalo, New York 14202
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FOR THE WESTERN DISTRICT OF NEW YORK

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JOHN STUART,

Defendant.

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

DAVID J. RUDROFF, being duly sworn, deposes and says:

1. I am an Assistant United States Attorney for the Western District of New York and am assigned to the prosecution of this matter. I offer this affidavit in support of the government's motion for a 14-day extension of time to file its response to the defendant's objections to the Report and Recommendation (Doc. 100). Defense counsel, AFPD Jeffrey Bagley, has advised that he does not object to this motion.

2. On May 22, 2023, Magistrate Judge McCarthy filed a Report, Recommendation, and Order regarding the defendant's motions to suppress, for a *Franks* hearing, to compel discovery, and to modify a protective order. Dkt. 93. With the government's consent, the defendant moved twice to adjourn the deadline for objections and

filed objections on August 7, 2023. Dkt. 100. The government's response is currently due August 21, 2023.

3. The government is assembling its response, but due to the undersigned's trial and travel calendar, requests an additional 14 days to respond to the objections. I have conferred with defense counsel, AFPD Jeffrey Bagley, who advised that he does not object to the request.

5. As such, the government respectfully requests a 14-day adjournment of its deadline to respond to the defendant's objections (Dkt. 100).

s/DAVID J. RUDROFF
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
716-843-5862
David.Rudroff@usdoj.gov

Subscribed and sworn to before me
this 18th day of August, 2023

s/SAMANTHA BURLOW
Commissioner Of Deeds
In And For The City Of Buffalo, New York.
My Commission Expires Dec. 31, 2024